

ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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*January 22, 2009  
Agenda Item 5.0*

Memorandum

DATE: January 15, 2009  
TO: Congestion Management Agency Board  
FROM: Dennis R. Fay, Executive Director  
SUBJECT: EXECUTIVE DIRECTOR'S REPORT

**Sacramento Report**

I have attached a report from the CMA's Sacramento representative.

**Washington, DC Report**

I have attached a report from the CMA's Washington, DC representative.

**Board Retreat**

The CMA Board Retreat was held on December 18, 2008 at the David Wendel Conference Center located within the law offices of Wendel, Rosen, Black & Dean LLP. The Board Retreat was facilitated by Kendall Flint of PMC.

**Oakland Airport Connector**

On January 7<sup>th</sup> I accompanied BART and Oakland staff to inspect an alternative technology for the project that is now operating in Las Vegas. The technology could reduce costs and appears to have the required reliability.

**Transportation 2035 Plan**

After nearly two years of dialogue and technical analysis, MTC released the Draft Transportation 2035 Plan on December 19, 2008 for public review and comment. The draft document is the Bay Area's transportation blueprint for investing \$226 billion in projected revenue expected to flow to the region over the next 25 years. MTC encourages viewing both the Draft Transportation 2035 Plan and its companion Draft Environmental Impact Report online at: [http://www.mtc.ca.gov/planning/2035\\_plan/index.htm](http://www.mtc.ca.gov/planning/2035_plan/index.htm). Written comments on the Draft EIR must be received by 4 p.m. on Monday, February 2, 2009 and written comments on the Draft Plan must be received by 4 p.m. Monday, March 2, 2009.

### **Regional Bicycle Plan for the San Francisco Bay Area, 2008 DRAFT**

The draft Regional Bicycle Plan was released for comment in November 2008. Comments on the bicycle plan will be accepted through January 2009 and can be directed in an e-mail to: BikePlan@mtc.ca.gov or by calling 510-817-5757. The final plan is expected to be adopted along with MTC's Regional Transportation Plan — Transportation 2035 — in March of 2009.

### **Transportation Bond Measure Projects**

I-580 Eastbound HOV Lane Project – The contractor for the first contract has completed work in the median and traffic has shifted in order for the outside widening to begin. The second contract received a California Transportation Commission (CTC) allocation of funds at the October meeting and was advertised on January 5, 2009. The CMA is negotiating a contract with the design consultant to prepare the project development package for the auxiliary lanes between Isabel and North Livermore Avenue and North Livermore Avenue and First Street.

I-580 Westbound HOV Lane Project – The draft Project Report and draft Environmental Document are being reviewed by Caltrans. The design phase of this project began in June 2008. The ACCMA has reviewed the preliminary design package (35 percent PS&E). The CMA and the consultant are preparing a strategy to split the project into smaller construction contracts. The CMA is preparing a corrective action plan to remove the bus ramp from the project scope for review by the CTC.

I-580/Route 84/Isabel Interchange – This project, sponsored by the City of Livermore, received \$68 million from the CMIA bond fund program. The project was split into three smaller contracts. Contract one, administered by Caltrans received an allocation of construction funds from CTC in October 2008. The CTC allocated the construction funds for the two contracts administered by the City of Livermore at its December 2008 meeting. The three contracts were advertised early this month.

I-880 Southbound HOV Lane Extension (Hegenberger to Marina) – Environmental and preliminary Engineering services are ongoing. A 35 percent submittal package has been completed. The project will be divided into two construction packages to attract more bidders. At the request of the City of San Leandro, the ACCMA is overseeing the Marina Boulevard Interchange Project Study Report (PSR).

I-80 Integrated Corridor Mobility (ICM) Project – A notice to proceed has been issued to the design consultant to continue the project development. Meetings with stakeholders are being held to define TLSP functional requirements. The data collection plan was approved and is currently being implemented. A corrective action plan addressing the schedule revision was circulated to Caltrans, MTC and the CCTA and will be submitted to the California Transportation Commission (CTC). A 20 member Technical Advisory Committee (TAC) has been formed for the project and the first meeting was held in November 2008.

I-880 North Safety and Operational Improvements at 23rd/29th Avenues – In September 2008, a consultant contract was issued for preparation of the Project Report and Environmental Document. Preliminary engineering and environmental technical studies have commenced. A Value Analysis study was performed in December 2008.

### **Status of Corridor Studies/Projects**

I-680 Express Lane Project – The CMA has partnered with Caltrans on the design of this project. The project has been split into six contracts: three roadway contracts, one landscape contract, an environmental mitigation contract and a system integrator contract. Bay Cities, the contractor for the first contract, began the first stage of construction by widening the freeway in the median.

Contracts #2 and #3 were advertised in September and bids were opened on December 10, 2008 and on December 16, 2008, respectively. Following review, and resolution of the State's fiscal problems, the contracts will be awarded to the lowest responsible and responsive bidder.

A contract has been executed with Electronic Transaction Consultants (ETC) for the System Integration work on the Express Lane project. Notice to proceed with Phase I of the contract was issued earlier this month.

I-580 Traffic Management Plan Project – The Center-to-Center Program communication hubs project was awarded to DKS Associates. This communication package will link various Transportation Management Centers in the Bay Area which include communication centers at the Metropolitan Transportation Commission (MTC) and Alameda County SMART Corridors. The Software Integration Package was awarded to Irvine Global Consulting which will be completed in April 2009. The integration will link cameras, detectors and changeable message signs along I-580 with communication centers at the Cities of Dublin, Livermore, Pleasanton and Alameda County SMART Corridors. The project is also installing ramp metering on Grant Line Road, North Flynn Road and Portola Avenue, funded from a MTC grant.

I-580 Corridor ROW Preservation – The CMA consultant prepared environmental documents (Categorical Exemption) for six properties that are currently available for acquisition. Upon completion of the funding agreement with ACTIA, the CMA will begin discussions with Caltrans to establish a partnership agreement for this project.

I-580 Westbound Auxiliary Lane Project – This ACTIA Measure B funded project consists of two westbound I-580 auxiliary lane segments from Airway Boulevard to Fallon Road and from Fallon Road to Tassajara Road. ACTIA is the lead agency for the environmental phase and has completed the NEPA environmental document to clear the Fallon to Tassajara Road auxiliary lane segment. CMA's consultant is responding to Caltrans comments on the 95% PS&E. An amendment to the project specific agreement with ACTIA is underway.

I-580 Eastbound High Occupancy Toll (HOT) Lane: Technical Studies and Preliminary Engineering – Preliminary Engineering and preparation of the Environmental Document began in July 2008. The consultant is addressing Caltrans' comments on the traffic operations analysis report. A contract change order to install the infrastructure of the civil elements of HOT Lane was issued to the EB HOV project.

I-680/I-880 Cross Connector Project – Team meetings and technical studies are currently on hold pending agreement with Caltrans regarding project oversight support.

I-580 Sound Wall Design – San Leandro and Oakland – The San Leandro soundwall Final Design Package is anticipated to be approved by Caltrans in late January 2009. All temporary construction easements from property owners have been obtained. The project is scheduled to be advertised in March 2009.

I-880 Corridor System Management Plan – The I-880 Corridor System Management Plan (CSMP) TAC met on November 10, 2008. The results of the scenario analysis proposed to improve the performance of the corridor were discussed. This study, sponsored by Caltrans, provided a detailed evaluation of the I-880 Corridor to determine what transportation strategies make the most sense and when they should be implemented.

I-580 Corridor System Management Plan – Information on the I-580 East Corridor System Management Plan (CSMP) was presented to ACTAC at its November meeting. As a follow-up, a corridor stakeholder meeting will be held on January 27, 2009 at 9:30 a.m. to discuss development of the CSMP. The CSMP is a requirement of the Corridor Mobility Improvement Account (CMIA) I-Bond funding, and as a result is a requirement for the CMIA-funded improvement projects along the I-580 Corridor in Alameda County. An additional stakeholder meeting will be held in April 2009.

SR 24 Corridor System Management Plan – Information on the SR 24 Corridor System Management Plan (CSMP) was presented to ACTAC at its November meeting. CMA staff submitted comments on the Existing Conditions Technical Memorandum.

Ardenwood Park & Ride Lot Project – Construction of the Park and Ride Lot began on September 18, 2008 and completion is anticipated in April 2009. Demolition of existing facility is completed. A building permit was issued on January 12, 2009 and construction has resumed.

BART to Warm Springs – Final Design on the Fremont Central Park Subway ("Subway") contract is nearing completion. Utility relocation agreements and a UPRR Construction and Maintenance Agreement are now in place. RWQCB certification, permits from the US Army Corps of Engineers and California Dept of Fish & Game, and right-of-way certification are expected in December. Subject to funding availability, the Subway contract will be advertised for construction in February 2009. Preliminary engineering on the Line, Track Station and Systems ("LTSS") contract continues with a 75 percent design review submittal anticipated in late December. A Request for Qualifications for the LTSS contract is expected to be issued early in 2009, followed by a Request for Proposal in the summer of 2009.

The project team recently completed a constructability study for the optional Irvington Station, which may be added on an "in-fill" basis (subject to availability of funding from the City of Fremont) to the operating Warm Springs extension. Following construction and a program of start-up testing, BART expects to begin service to Warm Springs in 2014.

BART to Silicon Valley (Silicon Valley Rapid Transit Corridor-SVRTC) – The 65 percent engineering design phase was completed in December 2008. The Draft Environmental Impact Statement (EIS) is expected to be available for public review in March 2009 with the Final EIS to be circulated in January 2010. Santa Clara County Measure B, which calls for a sales tax

increase to help fund a 16-mile BART extension to San Jose and other points in Santa Clara County, was declared a winner in November 2008. The 30-year, 1/8-cent sales tax will provide funding to offset operating and maintenance costs associated with extending BART into Santa Clara County. It is estimated that it will generate \$51 million in its first year, 2013.

Caldecott Tunnel 4th Bore – The Final Environment Document for the project is available for review on the project website at: [www.dot.ca.gov/dist4/caldecott/](http://www.dot.ca.gov/dist4/caldecott/). CMA staff continues to coordinate with Caltrans on the project delivery through the Project Leadership Team (PLT) and the Executive Steering Committee (ESC). Project advertisement is scheduled for February 2009.

Dumbarton Rail Corridor – The Draft EIR is progressing and is expected to be released by spring 2009.

Grand/MacArthur Corridor Transit Enhancements – This project is a key first step towards bringing major transit improvements to the Grand Avenue/MacArthur Boulevard corridor. The limit of this corridor is from Eastmont Mall to the Transbay Terminal in San Francisco. This SMART/Bus Rapid Transit (BRT) Corridor implementation will be modeled after the existing San Pablo Avenue and International/Telegraph SMART/BRT Corridors. On July 31, 2008, the CMA Board awarded the Grand/MacArthur Corridor Transit Enhancement Project construction contract to Ray's Electric, the lowest responsive bidder. Construction started September 22, 2008 with a completion date in June 2009.

SMART Corridors Program – CMA's SMART Corridors partnership includes 29 public agencies. The CMA provides video and traffic data to the public and to transportation managers as well as emergency service providers in real-time. The public website address for the SMART Corridors is: <http://www.smartcorridors.com>. The CMA is working with the Alameda County Public Works Agency on the implementation of Transportation Management Centers (TMC). CMA is also leading the project to implement ITS on Webster Avenue in the City of Alameda. CMA staff is also managing various contracts to operate and maintain SMART Corridors components.

San Pablo Avenue Rapid Bus Stop Improvements - The CMA is taking the lead in implementing approximately \$2.6 million in improvements to the Rapid Bus stops in Alameda County funded through AC Transit using Measure B funds. At the request of the cities, the CMA and the funding agencies have agreed to implement streetscape amenities as an alternative to the replacement of crosswalks. This will extend the project completion date to June 2009. A public meeting was held on December 11, 2008 in Berkeley to inform the residents and businesses about the project.

State Route 84 HOV Extension – Dumbarton Corridor – The HOV lane was open to traffic on September 5, 2008 and the project closeout is underway.

Central Alameda County Freeway System Study – A draft Project Initiation Document (PID) is being finalized. The next Policy Advisory Committee (PAC) meeting is anticipated to be held in February 2009 to release the Local Alternative Transportation Improvement Program (LATIP) and supporting documentation for local and California Transportation Commission approval.

After PAC approval of the submittal package is obtained, local approvals will be sought similar to the process used for the Financially Unconstrained LATIP.

MTC's Lifeline Transportation Program – The CMA Board approved eight projects totaling approximately \$12.5 million in funds. The Board's recommendations were forwarded to MTC, pending State budget revisions. The intent of the Lifeline Transportation Program is to fund projects that increase transportation mobility for low income residents in Alameda County.

Berkeley/Oakland/San Leandro BRT – The Final EIS/EIR is being prepared. The BRT TAC met on December 18, 2008 to discuss ways to move the project forward, overall project definition and organization, and future Policy Steering Committee meetings. The next TAC meeting will be on January 22, 2009 at 9:00 a.m.

Transportation and Land Use Work Program – A consultant pool was selected for the Transit Oriented Development Technical Assistance Program (TOD TAP).

Community Based Transportation Plan – The City of Alameda Community Based Transportation Plan consultant team has completed a draft of the second memo discussing documented transportation gaps in the project area. They will begin community outreach in January 2009.

Guaranteed Ride Home Program – The consultant is progressing with the program evaluation, as requested by the CMA Board. In the most recent month, 0 new employers and 46 new employees enrolled in the program. During this time, eight taxi trips and four rental car trips were taken. The average cost per taxi trip is \$83.88 and the average trip length is 39.1 miles. One out of five rides continues to be taken using a rental car. The average one-way trip distance for a rental car ride is 48 miles. The average savings for a rental car ride compared to a cab is \$72.80 per ride.

Truck Demand Model - Cambridge Sytematics was selected to conduct the study with Dowling Associates, Inc. as a sub-contractor. The next Task Force meeting is on January 20, 2009.

Update of the Countywide Travel Demand Model – The updated model with the P2007 land use is available. Staff is reviewing the documentation. The model plots and documentation will be posted on the website in January 2009.

Truck Parking Facility Feasibility and Location Study – The Final Report was approved by the Board at its December 2008 meeting. The Final Report will be posted on the website in January 2009. Staff will be preparing an Implementation Plan for Board consideration by June 2009.

#### **Environmental Documents/General Plan Amendments Reviewed**

Since my last report, four environmental documents, notices of preparation or general plan amendments have been received or reviewed. Responses are attached for three of them.

#### **CMA Board and Committee Meeting Dates**

Board meetings will be at 3:30 p.m. in the ACTIA offices. Administration & Legislation Committee meetings will be at 11 a.m. in the CMA offices in Oakland unless otherwise noted.

Plans & Programs Committee meetings will be at 12 noon in the CMA offices in Oakland unless otherwise noted.

CMA Board

February 26, 2009

March 26, 2009

April 23, 2009

Plans & Programs

February 9, 2009

March 9, 2009

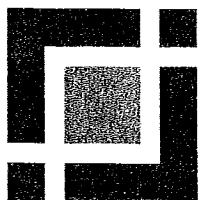
April 13, 2009

Administration & Legislation

February 9, 2009

March 9, 2009

April 13, 2009



# Suter-Wallauch-Corbett & Associates

Government Relations

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Attachment 1

January 15, 2009

TO: Dennis Fay, Executive Director  
Alameda County Congestion Management Agency

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

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**State of the State:** The Governor's speech this morning to the Joint Session of the Senate and Assembly was short, about 10 minutes, and to the point, "...the eighth largest economy in the world, faces insolvency within weeks." But Hollywood was not ignored in his statement that "Conan's sword could not have cleaved our political system in two as cleanly as our own political parties." He closed by urging the Legislature to let this be the year of political courage.

**CTC Funding Delayed:** Yesterday the California Transportation Commission (CTC) decided to freeze nearly \$300 million in allocations to 27 projects. This includes \$253 million in Prop 1B funds. Without a budget solution in place, and the fate of existing loans from the Pooled Money Investment Account in question, the CTC was forced to suspend allocations. Caltrans Director Will Kempton warned that stopping and starting projects across the state could result in well over \$100 million in added costs to these projects.

**Pooled Money:** The Pooled Money Investment Board (PMIB) is scheduled to meet tomorrow in Sacramento. At the December meeting the Board halted all pending loans and ordered a review of all outstanding loans. The Board agreed to meet once the review is completed. Tomorrow's agenda does not include any recommendations from staff on how to proceed, but the agenda lists all outstanding loans. This includes nearly \$1 billion in loans to Caltrans and the CTC primarily for Prop 1B funded projects. The Board warned in December it may need to take immediate action to stop or wind down existing projects funded by the Board. A follow-up report on the Board's actions will be sent tomorrow.

**Green Stimulus:** To counter the Governor's economic stimulus package that calls for suspending environmental and labor laws, Speaker Bass and President Pro Tem Steinberg unveiled the Green Economic Stimulus to Create Jobs, Protect Environment. The proposal would appropriate \$2 billion from various bond funds for integrated regional water plan projects, public transit capital projects, local street and road projects, Brownfield's clean-up at infill sites, flood protection, and park and recreation projects. The projects must be "shovel ready", have all permits and authorizations, and the projects must provide a public health or environmental benefit.



**Budget Week in Review:** Pursuant to Constitutional requirements, the Department of Finance posted the Governor's proposed 2009-10 budget on its website last Friday. Nothing new was included, but it does provide a little more detail on how the Governor proposes to close the \$42 billion budget gap. The budget summary and detail can be found at the following website: <http://www.ebudget.ca.gov/home.htm>.

The Governor's Proposed Budget rehashes cuts and tax increases that have been on the table for many moons: temporary sales tax increase, extension of sales tax to some services, oil severance tax, slight increase in VLF, a new nickel-a-drink alcohol consumption tax. It includes 10% across-the-board cuts in state agencies and departments. It redirects Prop 10 and Prop 63 revenues, defers \$91 million in Pre-Prop 1A mandates, redistributes transit funds to schools, eliminates parole supervision for non-violent prison parolees, uses DMV funds to pay for COPS and Juvi Probation. Not much new here, and the changes to Prop 10 and Prop 63 require voter action.

**Transportation Budget:** The 2009-10 budget includes a slight increase in Prop 42 funding that would result from the temporary 1 ½ cent increase in the sales tax rate assumed in the budget. If the sales tax increase is not enacted, Prop 42 funding in the current year would drop by \$81 million and by \$233 million in the 2009-10 budget year. This revenue reduction is due to declining fuel prices.

The budget also proposed to increase the use of GARVEE bonds for the delivery of SHOPP projects. The budget assumes issuing \$769 million in GARVEE bonds for three major SHOPP projects.

The Governor continues to pursue an economic stimulus package centered on accelerating the delivery of transportation projects. The package includes the following elements

- Trailer bill language to exempt a limited number of projects from the California Environmental Quality Act (CEQA) in order to accelerate project delivery. This includes the Caldecott 4<sup>th</sup> Bore project. Caltrans estimates that this exemption will bring forward a total of \$822 million in projects funded from Proposition 42, GARVEE bonds, Proposition 1B bonds, and local reimbursements.
- Trailer bill language is proposed to expand Caltrans' authority to use design-build contracting to accelerate projects.
- Trailer bill language is proposed to expand Caltrans' authority to do performance-based projects.
- An additional \$700 million in Proposition 1B bond funds is appropriated in 2008-09 for local road maintenance, provided that these funds could be spent by December 31, 2009

**Public Transit:** For transit funding the Governor proposes to reduce State Transit Assistance funding in the current year to \$150 million and repeal the STA program for the 2009-10 fiscal year and beyond. The STA revenue would then be used to fund home-

to-school transportation. Reducing STA to \$150 million in the current fiscal year matches the Legislature's December package. However, the Legislature has so far rejected the repeal of STA, but unfortunately the Legislature has agreed to cap STA at \$150 million per year.

***LAO Analysis Released:*** Mac Taylor, the new Legislative Analyst presented his overview of the Governor's Budget Proposal. The LAO's more in-depth analysis of the proposed budget is expected in mid-February. He praised the use of realistic numbers but urged a decrease in borrowing, more strategic cuts and revenue increases, and emphasized that the state's economic outlook continues to decline. The LAO also urges accelerating the special election from June to earlier in the Spring, and using the special election for additional revenue generating measures, such as amending Proposition 49 (after-school programs) to reduce education costs and to amend Proposition 99 to redirect tobacco taxes to the General Fund. The report may be found here:  
[http://lao.ca.gov/2009/budget\\_overview/09-10\\_budget\\_ov.pdf](http://lao.ca.gov/2009/budget_overview/09-10_budget_ov.pdf)

***Deferred Payments:*** The Administration is once again floating language similar to last year's proposal that would defer health and human services payments to counties, as well as defer gas tax subvention payments to cities and counties. The delay in payments would be from February 1<sup>st</sup> to September 1<sup>st</sup>. The proposal for deferring gas tax subventions to cities and counties includes the language from last year that allows cities and counties to use Prop 1B local street and road funds to cover this loss of cash flow. Unless the bond markets are unlocked for California, this flexibility will not be much help.

***Warrants:*** The State Controller has repeatedly warned that if the budget shortfall is not addressed soon, he will be forced to issue warrants starting as early as February 1. The Controller has already notified departments that he is halting all electronic fund transfer payments, which include COPS, Williamson Act and Trial Court Trust Fund payments, as well as legislative salaries. Individual registered warrants will be used to make these payments, which are also known as IOUs. The Controller is expected to provide more information on other programs where IOUs will be issued in the coming days.



## MEMORANDUM

**TO:** Dennis Fay  
Alameda County Congestion Management Agency  
**FROM:** CJ Strategies  
**RE:** Legislative Update  
**DATE:** January 14, 2009

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### Stimulus Plan

The size and scope of the stimulus package (American Recovery and Reinvestment Plan) continue to be fluid.

- **Size** – The Transition Team is still consulting with Congress on the size of the overall package. The total will be on the higher end of the Transition Team's initial estimates, but not likely to be as high as the \$1.3 trillion recommended by some economists. At this point, we believe the total will exceed \$775 billion. The package will be a two year bill with the ultimate goal of saving or creating 3 million jobs. Funding will go to states facing budget shortfalls, to social service programs and for infrastructure projects. The bill will also contain a tax element (approximately \$300 billion).

We do anticipate some push back from Senate Republicans and House Blue Dog Democrats who could call for a smaller package to reduce the impact on the budget deficit. More and more members are increasingly concerned about the nation's overall fiscal picture, as they digest new data from the Congressional Budget Office estimating a \$1.2 trillion budget deficit for the current fiscal year.

- **Timing** – the Congressional Leadership wants to pass the package before Congress adjourns for the President's Day recess which is the week of February 15. There will be some committee hearings and markups. We can expect the Ways & Means and Appropriations Committees to hold full committee hearings and markups as early as the week of January 19. The idea of marking up the bill represents a shift in approach. Congressional Democrats previously hoped to move the bill quickly to the floor without markups, which can slow the process. However, President-elect Obama signaled his preference for a more open process with hearings and bipartisan cooperation.
- **Infrastructure Component** – The size of the infrastructure component is still in flux. *Chairman Oberstar* – The most recent proposal from Chairman Oberstar (released on

December 12) calls for \$85 billion in infrastructure spending. \$30 billion would go to highways and bridges and \$12 billion would be allocated for transit. Of that amount, 50% would be awarded within 90 days. The remaining funding would have to be awarded within one year of the date of enactment. However, Chairman Oberstar stated on January 6, that Obama budget staffers are skeptical that states will be able to spend that amount of funding fast enough to meet the criterion of stimulating the economy. *Obama Transition* – the Transition Team has released broad parameters regarding infrastructure, calling for \$25 billion for infrastructure projects and schools. The Transition has not released details regarding how this \$25 billion should be spent. Additionally, the Transition continues to call for the creation of a National Infrastructure Bank as President-elect Obama did during the campaign. The Bank would receive \$60 billion over 10 years to provide financing to transportation infrastructure projects.

#### **Secretary of Transportation Nominee**

The Senate Commerce Science and Transportation Committee postponed the nomination hearing for former Representative Ray LaHood, citing problems with paperwork. The hearing was originally scheduled for January 14, but was delayed by the committee until the week of January 19.



# ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

Attachment 3

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**AC Translt**  
Director  
Greg Harper

**Alameda County**  
Supervisors  
Nate Milley  
Scott Haggerty

**City of Alameda**  
Mayor  
Beverly Johnson  
Vice Chair

**City of Albany**  
Councilmember  
Farid Javandel

**BART**  
Director  
Thomas Blalock

**City of Berkeley**  
Councilmember  
Kris Worthington

**City of Dublin**  
Mayor  
Janet Lockhart

**City of Emeryville**  
Vice-Mayor  
Ruth Atkin

**City of Fremont**  
Councilmember  
Robert Wieckowski

**City of Hayward**  
Councilmember  
O'den Henson

**City of Livermore**  
Mayor  
Marshall Kamena

**City of Newark**  
Councilmember  
Luis Freitas

**City of Oakland**  
Councilmember  
Larry Reid

**City of Piedmont**  
Councilmember  
John Chiang

**City of Pleasanton**  
Mayor  
Jennifer Hosterman

**City of San Leandro**  
Councilmember  
Joyce R. Starosciak

**City of Union City**  
Mayor  
Mark Green  
Chair

**Executive Director**  
Dennis R. Fay

December 2, 2008

Mr. Clifford Nguyen  
Associate Planner  
City of Fremont, Community Development Department  
P.O. Box 5006  
Fremont, CA 94537-5006  
[cnguyen@ci.fremont.ca.us](mailto:cnguyen@ci.fremont.ca.us)

**SUBJECT:** Comments on the Draft Environmental Impact Report for the Creekside Landing  
(formerly Bayside Marketplace) project, PLN2008-00117

Dear Mr. Nguyen:

Thank you for the opportunity to comment on the Notice of Preparation of a Notice of Preparation of a Draft Environmental Impact Report for the Creekside Landing project. The project includes a new retail center on the easternmost 59 acres of the 147-acre site. The retail center would include 524,000 square feet of commercial/retail uses. The project also includes extension of Fremont Boulevard to Dixon Landing Road, construction of three bridges, and utilities. Two of the bridges would be for Fremont Boulevard over Flood Channel B and Scott Creek and the third would internally connect two portions of the shopping center over Scott Creek. The 88 acres of wetlands at the western portion of the site would remain intact. The project is located at the interchange of I-880 and Dixon Landing Road. It is bounded on the east by I-880, the north by Flood Channel B, and the existing Fremont Boulevard terminus, and on the west and south by old Coyote Creek. The Newby Island landfill and baylands are located to the west of the site.

The ACCMA respectfully submits the following comments:

- o P. 4.11-25, Alameda County Congestion Management Agency, and Roadway Operations, Impact TRANS-3 and Year 2015 Conditions, p. 2.11-63: Please correct that for Environmental Impact Report review purposes, Alameda County Congestion Management Agency does not have a policy for determining a threshold of significance for Level of Service. Rather, the Land Use Analysis Program of the Congestion Management Program (CMP) recommends that professional judgment be applied to determine the significance of project impacts. (Please see chapter 6 of 2007 CMP for more information).
- o Transportation Mitigation Measures: For those unavoidable and adverse impacts (such as those which would have to be made outside the City of Fremont's jurisdiction), please note that the CMP may require the City of Fremont to prepare a Deficiency Plan in the future should the Level of Service (LOS) of any roadways in the Metropolitan Transportation System (MTS) worsen to LOS F.

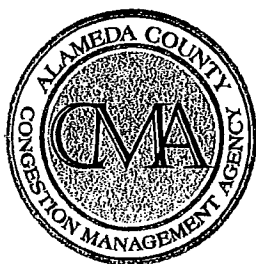
Thank you for the opportunity to comment on this Draft EIR. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Stark". The signature is fluid and cursive, with the first name "Diane" and last name "Stark" clearly distinguishable.

Diane Stark  
Senior Transportation Planner

file: CMP - Environmental Review Opinions - Responses - 2008



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**AC Transit**  
Director  
Greg Harper

December 18, 2008

**Alameda County**  
Supervisors  
Mato Miley  
Scott Haggerty

Kelly Diekmann  
Senior Planner

**City of Alameda**  
Mayor  
Deverly Johnson  
Vice Chair

City of Fremont, Community Development Department  
39550 Liberty Street, P.O. Box 5006  
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**City of Albany**  
Councilmember  
Farid Javandel

[kdiekmann@ci.fremont.ca.us](mailto:kdiekmann@ci.fremont.ca.us)

**BART**  
Director  
Thomas Blalock

**SUBJECT:** Comments on the Draft Environmental Impact Report for the Ballpark Village Community Specific Plan, City of Fremont

**City of Berkeley**  
Councilmember  
Kris Worthington

Dear M. Diekmann:

**City of Dublin**  
Mayor  
Janet Lockhart

**City of Emeryville**  
Vice-Mayor  
Ruth Alkin

**City of Fremont**  
Councilmember  
Robert Wlaskowski

**City of Hayward**  
Councilmember  
Ulden Hanson

**City of Livermore**  
Mayor  
Marshall Kamena

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**City of Union City**  
Mayor  
Mark Green  
Chair

**Executive Director**  
Dennis R. Fay

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Ballpark Village Community Specific Plan in the City of Fremont. The project would allow development of a 900,000 square foot, 32,000-seat Major League Baseball ballpark with up to 200,000 square feet of additional ancillary building space; up to 54,000 square feet of retail; and 80-room hotel, up to 3,150 residential units; up to 300,000 square feet of office and R&D; a 7.5 acre auto dealership; a school; associated open space, circulation and infrastructure improvements. The 246-acre project site is located in southwest Fremont. It is bounded by Auto Mall Parkway and existing commercial areas to the north, I-880 to the east, the Don Edwards San Francisco Bay National Wildlife Refuge to the south and west, and the Union Pacific Railroad right-of-way to the west.

The ACCMA respectfully submits the following comments:

- We recommend the project be located at the alternative site at the BART Warm Springs station site area. The anticipated traffic from the 32,000 seat ballpark is expected to result in an increase in traffic congestion and the BART station would provide alternative transportation to the site. The ACCMA Board adopted goals and guidelines to Transit Oriented Development in 2004. They include siting high density residential or mixed use development in locations to make transit use as attractive and convenient as possible, thus increasing the share of trips by transit, walking or biking, and reducing traffic congestion and air emissions. Siting a ballpark more than ½ mile from a BART station is not conducive to using transit; therefore, locating the ballpark at the alternative site would appear to meet the Board adopted goals and guidelines. This alternative should be evaluated fully in the Draft EIR.

- The City of Fremont adopted Resolution No. 8336 on July 7, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). If the proposed project generates at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2015 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
  - On March 26, 1998, the CMA Board amended the CMP so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The County has a model that is available to the local jurisdictions for this purpose. The Countywide model was recently updated based on Cube software, which was developed incorporating ABAG's socio-economic data for Projections 2007. The City of Fremont signed a Countywide Model Agreement with the ACCMA for the updated Countywide model on April 1, 2008. Before the model can be used for this project, a letter must be submitted to the ACCMA requesting use of the updated model and describing the project. A copy of a sample letter agreement is available upon request.
- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2007 CMP Figures E-2 and E-3 and Figure 2). The EIR should address all potential impacts of the project on the MTS roadway and transit systems. These include I-880, I-680, Fremont Boulevard, Osgood Road, Stevenson Boulevard, SR-84, SR 92, Peralta Boulevard, Pas Padre Parkway, Mission Boulevard, as well as BART and AC Transit. Potential impacts of the project must be addressed for 2015 and 2035 conditions.
  - Please note that the ACCMA does *not* have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts. (Please see chapter 6 of 2007 CMP for more information).
- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2007 CMP, Chapter 4). The EIR should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed below.
- The adequacy of any project mitigation measures should be discussed. The CMA Board adopted three criteria for evaluating the adequacy of EIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;



- Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The EIR should discuss the adequacy of proposed mitigation measures relative to these criteria. In particular, the EIR should detail when the proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- The EIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2007 CMP, Chapter 5). The DEIR could consider the use of Travel Demand Management (TDM) measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The Alameda Countywide Bicycle Plan was approved by the ACCMA Board on October 26, 2006. The EIR should consider opportunities to promote countywide bicycle routes identified in the Plan through the project development review process. The approved Countywide Bike Plan is available at <http://www.accma.ca.gov/pages/HomeBicyclePlan.aspx>
- The Alameda County Pedestrian Plan, developed by ACTIA, was adopted by both the ACTIA and ACCMA Boards in September 2006 and October 2006, respectively. The EIR should consider opportunities to promote pedestrian improvements identified in the Plan through the project development review process. The approved Countywide Pedestrian Plan is available at <http://www.acta2002.com/>

Thank you for the opportunity to comment on this NOP for the Draft EIR. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,



Diane Stark  
Senior Transportation Planner

cc: Beth Walukas, Manager of Planning, ACCMA  
file: CMP - Environmental Review Opinions - Responses - 2008



# ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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December 23, 2008

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Greg Harper

**Alameda County**  
Supervisors  
Nate Milby  
Scott Haggerty

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Mayor  
Beverly Johnson  
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**BART**  
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**SUBJECT:** Comments on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the California State University, East Bay Hayward Campus Master Plan

Dear Mr. Zavagno:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the California State University, East Bay Hayward Campus Master Plan. The 17-year plan intends to allow the campus to accommodate 18,000 students and 8,750 parking spaces and includes the following:

- Accommodate growth in enrollment through improvements in academic curricula, support service, housing, and transportation facilities;
- Enhance physical facilities and features, including buildings, open space, vehicular, bicycle, and pedestrian circulation, and utility/technology upgrades, and
- Provide aesthetic enhancements including, but not limited to, landscaping, open space reconfiguration, design guidelines, campus perimeter enhancements, and environmental protection.

The ACCMA respectfully submits the following comments:

- **TDM, Transit Service and Parking Management Mitigation Measures.**  
MP MM TRANS-1a & 5, P. 4.12-44 and 4.12-49, MP MM TRANS-7

Since it is not possible to construct physical improvements to mitigate the impacts to 7 intersections during the p.m. peak hour, please demonstrate how the recommended Improved (AC) Transit Service, TDM Implementation Plan and Parking Management mitigation measures would be operated and funded. Also, please list who would be responsible for establishing and administering these mitigation measures. Specifically:

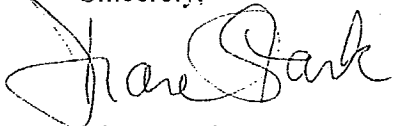
- How would increased frequency of AC Transit and enhanced campus shuttle service be operated and funded? Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP)

section of the CMP or the Regional Transportation Plan (RTP). Also, it cannot be assumed that AC Transit will be able to operate additional regional service without funding.

- Who would administer the carpool matching service and vanpool program, including preferential parking?
- How would a flexible car rental service program be established in a non-urban area?
- Who would administer the scaled parking permit pricing structure?
- How would campus residents be discouraged from bringing cars to campus and encouraged to use transit?
- If these services and programs could not be funded, how would it affect LOS?
- Mechanisms that encourage flextime, bicycling, telecommuting and other means of reducing peak hour traffic trips should also be considered

Thank you for the opportunity to comment on this Draft EIR. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Stark".

Diane Stark  
Senior Transportation Planner

cc: Beth Walukas, Manager of Planning  
file: CMP - Environmental Review Opinions - Responses - 2008

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